

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

VICTOR SMITH,

Plaintiff,

vs.

**EURO-PRO MANAGEMENT
SERVICES, INC.,**

Defendant.

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Case No. 3:05-cv-1186-MEF

**WITHDRAWAL OF MOTION SEEKING ORDER
FOR TELEPHONIC DEPOSITION**

Comes now the Plaintiff and shows unto the Court that he has reached an agreement with defense counsel concerning the taking of the telephone deposition which was the subject of Plaintiff's earlier motion. Accordingly, Plaintiff hereby withdraws his Motion to Allow Telephonic Deposition with the understanding that said deposition will be taken by telephone pursuant to agreement as allowed by Federal Rule of Civil Procedure 30(b)(7).

/s/ John I. Cottle III

John I. Cottle III (COT004)

Attorney for Plaintiff

OF COUNSEL:

Bowles & Cottle

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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/EMF system which will send notification of such filing to the following:

Warren B. Lightfoot, Jr., Esq.
Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
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/s/ John I. Cottle III
Of Counsel